

REMARKS/ARGUMENTS

Response to Restriction

Applicants hereby elect with traverse to prosecute the claims of Group 2 (claims 5, 7-15, and 20-22), with SEQ ID NO: 30 as the species election.

Applicants respectfully traverse the restriction in this case. The Examiner alleges that Group 1 to 4 do not relate to a single general inventive concept under PCT Rule 13.1 by quoting language from 37 CFR §1.475(b) which addresses when claims to *different* categories of claims (*i.e.*, product and process claims) nonetheless relate to a single general inventive concept. The Examiner goes on to note that the “allowed combinations” do not allow “multiple products.” The Examiner apparently interprets the quoted language as a list of what constitutes unity of invention. In fact, the analysis for determining whether claims form a single inventive concept is set forth in 37 CFR §1.474(a), where it is explained that unity of invention is present when:

there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. 37 CFR 1.475(a)

Applicants respectfully submit that the inventions of Groups 2-4 share a special technical feature as set forth in §1.475(a), namely a peptide of claim 5. Accordingly, Groups 2-4 should be examined in a single application.

Applicants note further that the inventions of Groups 1, 3, and 4 share a special technical feature, namely a peptide of claim 1.

Finally, applicants note that claim 16 (directed to methods of inducing an antigen presenting cell using a polynucleotide encoding a peptide of claims 1 or 5) was not included in any restriction group in the Office Action. Applicants respectfully submit that

claim 16 should be examined with the inventions of Groups 2-4, because it uses a peptide of claim 5. Claim 16 also shares a special technical feature with the inventions of Group 1, 3, and 4, namely a peptide of claim 1.

CONCLUSION

In view of the foregoing, Applicants believe the inventions of Group 2-4 and claim 16 share a special technical feature and should be examined together in the present application. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,

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